

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2613 - SB 2802

February 24, 2022

SUMMARY OF BILL: Requires all state, county and municipal law enforcement agencies, correctional agencies, and courts to maintain a record of deaths of individuals in custody that is open for public inspection and that contains:

- The identity and age of the deceased individual;
- The time and date of the death;
- The cause of death as determined by the county medical examiner when the cause of death has been determined by the county medical examiner; and
- Facts concerning the death of the individual that are in the possession of a government entity, provided that information that is relevant to an ongoing investigation may be redacted.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 38-10-102(a), all state, county and municipal law enforcement and correctional agencies, and courts, shall submit to the director of the Tennessee Bureau of Investigation reports setting forth their activities in connection with law enforcement and criminal justice, including uniform crime reports and reports of law enforcement-related deaths.
- Pursuant to Tenn. Code Ann. § 38-10-102(d), for those purposes, “law enforcement-related death” means:
 - The death of an individual in custody, whether in a prison, in a jail, or otherwise in the custody of law enforcement pursuant to an arrest or a transfer between institutions; or
 - The death of an individual potentially resulting from an interaction with law enforcement, while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of the officer's law enforcement duties, without regard to whether the individual was in custody or whether a weapon was involved.
- The proposed legislation sets forth additional details of the deaths of individuals in custody as defined in Tenn. Code Ann. § 38-10-102(d)(1) that must be maintained by the relevant agencies and courts and kept open to public inspection.

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- It is assumed that, in most cases, this information is already recorded pursuant to current law and practice.
- It is further assumed that to maintain such records and to keep them open to public inspection will not create any significant additional burden on the relevant agencies or courts, and can be accomplished utilizing existing resources within the normal course of business.
- Any fiscal impact to state or local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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